

REMARKS

Claims 1, 3-8, and 10-20 are pending in this application. By this Amendment: claims 1, 7, and 10-14 are amended; and claims 2, 9, and 21-23 are cancelled.

I. Information Disclosure Statement

Applicant submits an Information Disclosure Statement with this Amendment and requests the Examiner consider the references with the next Office Action.

II. Election of Species - Rejoinder Requested

Claims 16-19 were withdrawn from further consideration as having been drawn to a non-elected species. Applicant requests rejoinder of non-elected claims 16-19 upon allowance of independent claim 1, as claim 1 remains generic to claims 16-19.

III. §112 Rejections

Claims 5, 7-15, and 21-22 were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Claims 21-22 are cancelled and the rejection with respect to these claims is now moot.

A. Interrelating Essential Elements - Structural Relationship Is Not Required

Claims 5, 7-9, and 12-14 were cancelled for lacking structural cooperative relationships. There is no requirement that elements be **structurally related**. The MPEP merely states that a claim **may** be rejected if essential claim elements are not interrelated.

Functional relationship between essential claim elements is therefore sufficient.

Specifically, MPEP §2172.01 does not require a **structural relationship** between structural connections, as the Examiner asserts. Instead, §2172.01 merely states that a rejection **may** be proper if essential elements of a claim are not **interrelated** (a portion of §2172.01 is provided below).

In addition, a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected

under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention.

With respect to claim 5, 7-9, and 12-14, the relationship is established between elements in terms of a **function relationship** as opposed to a structural relationship. For example, in claim 5, the relationship between the apparatus fixing unit and the locking portion is that **when** the locking portion performs its function (brings the lock state of the first paper feed cassette into the locked state) the apparatus fixing unit performs its function (fixes the paper feeder to a support base). Therefore, because the claims recite a functional relationship between the claimed elements, a rejection under §112 in view of MPEP §2172.01 is improper.

Similarly, in claim 9, the lock receptions portions are **functionally related** to the lock portions and the paper feeders such that when the lock portions are in the locked state, the recording medium cannot be taken from the first and second paper feeders. Thus, because there is sufficient **functional relationship** between the claimed elements, a specific structural relationship need not be recited.

Furthermore, the Examiner's attention is directed to MPEP §2172.01 which recites case history that supports that it is **not essential** to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently towards the desired result. A claim does not necessarily fail to comply with 35 U.S.C. §112, second paragraph, where the various elements do not function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purpose.

"[S]ee *Ex parte Nolden*, 149 USPQ 378, 380 (Bd. Pat. App. 1965) ("[I]t is not essential to a patentable combination that there be interdependency between the elements of the claimed device or that all the elements operate concurrently toward the desired result"); *Ex parte Huber*, 148 USPQ 447, 448-49 (Bd. Pat. App. 1965) (A claim does not necessarily fail to comply with 35 U.S.C. 112, second paragraph where the various elements do not

function simultaneously, are not directly functionally related, do not directly intercooperate, and/or serve independent purposes.)."

Thus, Applicant submits that the rejection is improper.

B. Antecedent Basis and Clarity

Claims 7 and 14 have been amended to correct for antecedent basis.

Claim 12 has been amended responsive to the rejection. Applicant submits that the lock gears are connected with each other so that rotation is transmitted therebetween, as recited in the original claim 9 and now amended claim 1. Thus, even the original claim 12 provided sufficient clarity because the support base hook projects in accordance with rotation of any of the lock gears since they all move together. However, in the interest of expediting prosecution, claim 12 has been amended responsive to the rejection.

Applicant respectfully requests the rejection under §112 be withdrawn.

IV. §102 Rejection

Claims 1, 2, 4, 6-8 and 20-22 were rejected under 35 U.S.C. §102(b) over Flores (U.S. Patent No. 5,785,308); claims 1, 2, 5, 20 and 22 were rejected over Siler (U.S. Patent No. 5,915,802); claims 1-4, 6-8, 22 and 23 were rejected over Japanese Publication No. 9-222756; and claims 1-3, 6-8, and 20-23 over Japanese Publication No. 4-217521.

Claims 21-23 have been cancelled and the rejections, with respect to these claims, are moot.

Claim 1 has been amended to incorporate the allowable features of claim 9 as well as the features of the intervening claims. The rejections are therefore moot.

Applicant respectfully requests the rejections be withdrawn.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Information Disclosure Statement
Petition for Extension of Time

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